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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,416	02/26/2004	Toshihiro Shima	MIPEP080	5260
25920 7590 06/30/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
NGUYEN, ALLEN H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,416

Applicant(s)

SHIMA ET AL.

Examiner

ALLEN H. NGUYEN

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-30 is/are pending in the application.
4a) Of the above claim(s) 1-27 and 31-34 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 28-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 02/28/2008 and 03/20/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-27, 31-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 02/07/2008.

2. Applicant's election with traverse of the restriction in the reply filed on 02/07/2008 is acknowledged. The traverse is on the ground(s) that there is no serious burden on the examiner for examining all species and claims 16-27 should also be examined. This is not found persuasive because:

1) It requires different search query for different invention. For example, claim 16 does not require the searching of a holding module and claim 16 requires searching of "whether or not to enable the process based on the process command, depending on whether money information requested when the device performs the process that uses the device for predetermined usage is held in the device and/or in the usage control apparatus".

2) The prior art used for rejecting the elected species can not be used to reject the non-elected species. The examiner requires further search to determine whether there are other prior art directed to the non-elected species.

The requirement is still deemed proper and is therefore made FINAL.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 02/28/2006 and 03/20/2007 has been considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Meade, II et al. (US 2003/0137685).

Regarding claim 28, Meade '685 discloses device (the hard copy cost recovery system 10, fig. 2) for executing a process in exchange for money information (Usage Information (COST) 36, fig. 2), the device comprising:

a holding module (Device Data File 40, fig. 2) which

receives, from a usage control apparatus (Usage Info 36, fig. 2) connected to the device (i.e., processing circuitry in the form of a microprocessor and associated

input/output devices that enable communication with LAN 16; Page 3, paragraph [0033], fig. 2), money information in an amount for using the device (i.e., consumable usage information 36 comprising cost information for the total page area 44 and toner coverage 48 utilized by printing individual pages and/or print jobs; Page 3, paragraph [0036]) for predetermined amount (i.e., Job/page complete validation information is determined by tracking apparatus 10 when image forming device 12 increases page counts via processing circuitry 38; Page 3, paragraph [0031], fig. 3, S4);

holds the money information (i.e., usage information 36 is retrieved from image forming device 12 where it is generated and also stored; Page 3, paragraph [0033]);

a receiving module (User Info 34, fig. 2) receives process data for processing from the usage control apparatus (Usage Info 36, fig. 2);

a processing module (Processing Circuitry 38, fig. 2) able to execute the process;

a decision module (Page Area 44/Toner Coverage 46, fig. 2) that, in the event that an amount of money information required for processing the process data is less than an amount of money information held in the holding module (i.e., in order to collect transaction details before the MFP's memory 26 overflows. If MFP 24 is not polled before an overflow event occurs with memory 26; Page 5, paragraph [0049]), causes the processing module to execute the process (i.e., MFP 24 can be configured to push the transaction details through LAN 16 and to SNMP server 20 where such details can be stored on memory 28; Page 5, paragraph [0049], figs. 1-2).

Regarding claim 29, Meade '685 discloses a device (the hard copy cost recovery system 10, fig. 2), further comprising:

a transmitting module (LAN environment 14, fig. 2) which transmits to the usage control apparatus money information that has been held in the holding module (Device Data File 40, fig. 2) and was deducted money information in an amount required for processing of the process data (i.e., hard-copy cost recovery system 10 is a tracking apparatus for monitoring usage of consumables that is implemented on an image forming device 12 within a local area network (LAN) environment 14; Page 2, paragraph [0024]).

Regarding claim 30, Meade '685 discloses a device (the hard copy cost recovery system 10, fig. 2), further comprising

an updating module (Client Usage Info 36, fig. 2) which updates the money information by deducting money information in an amount required for processing of the process data from the money information held in the holding module (i.e., the total cost is made available to device 12 in the form of usage information 36. Such usage information 36 can then be associated with user information 34 and print job information 35, within device data file 40; Page 4, paragraph [0039]).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White (US 2003/0074312) discloses centralized billing credit system utilizing a predetermined unit of usage.

Blair (US 2003/0191718) discloses method and data processing system providing a pay-for-usage managed print service.

Reddy et al. (US 2004/0093410) discloses computer network and related methods for generating printer usage information.

Kobayashi et al. (US 7,124,094) discloses print system, service system, data server, master server, print client system and printer.

Agarwal et al. (US 2004/0117224) discloses apparatus, methods and computer programs for metering and accounting for services accessed over a network.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLEN H. NGUYEN whose telephone number is (571)270-1229. The examiner can normally be reached on M-F from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/A. H. N./
Examiner, Art Unit 2625